

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GAYLE SIGAN,

Plaintiff,

v.

Case No. 2:08-cv-61
HON. R. ALLAN EDGAR

ASHLEY FURNITURE,

Defendant.

MEMORANDUM AND ORDER

Plaintiff Gayle Sigan brings this action pursuant to 29 U.S.C. § 626 claiming age discrimination in employment. On May 1, 2008, Magistrate Judge Timothy P. Greeley submitted his report and recommendation [Doc. No. 5] pursuant to 28 U.S.C. § 636(b)(1)(B) and W.D. Mich. LCivR 72.1(c). It is recommended that the plaintiff's *pro se* complaint be dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted. Plaintiff Sigan has not timely filed any objections to the report and recommendation.

After reviewing the record, the Court **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. LCivR 72.3(b). Accordingly, for the reasons expressed in the report and recommendation [Doc. No. 5], the plaintiff's complaint shall be **DISMISSED WITHOUT PREJUDICE** under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

For the same reasons expressed in the report and recommendation, this Court finds and will certify that any appeal from this decision by plaintiff Sigan would not be taken in good fath. 28 U.S.C. § 1915(a)(3); Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure. If plaintiff Sigan files a notice of appeal, the Court will not allow her to proceed on appeal *in forma pauperis* and she will be required to pay the standard filing fee.

A separate judgment will be entered.

SO ORDERED.

Date: June 24, 2008.

/s/ R. Allan Edgar

R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE